

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIANS FOR DISABILITY RIGHTS,
et al.,

No. C 06-5125 MEJ

Plaintiffs,

ORDER RE 30(B)(6) DEPOSITION

vs.

CALIFORNIA DEPARTMENT OF
TRANSPORTATION, et al.

Defendants.

On February 5, 2009, the parties filed a discovery dispute letter regarding Defendants' request to postpone the Rule 30(b)(6) deposition as to Caltrans' practices for providing accessible temporary routes. (Dkt. #252.) Defendants argue that Plaintiffs' temporary accessible routes claim is not part of this case and seek to suspend the deposition until Judge Armstrong rules on Defendants' Motion for Judgment on the Pleadings, which addresses this issue.

Upon review of the parties' letter, the Court hereby ORDERS that Plaintiffs may choose to proceed with the 30(b)(6) deposition prior to Judge Armstrong's ruling on the pending motion. However, if Judge Armstrong finds that Plaintiffs have no legal right to require Caltrans to provide temporary accessible routes, the Court may require Plaintiffs to reimburse Defendants for any costs associated with the deposition. Further, the Court acknowledges the scope of the deposition notice and agrees that more than one deposition would be necessary. Accordingly, if Plaintiffs choose to take the deposition prior to Judge Armstrong's ruling, they may take only one deposition of up to seven hours, and the parties shall meet and confer to determine the appropriate scope of the deposition. Plaintiffs should bear in mind that any meet and confer expenses incurred by Defendants

1 shall be included in the deposition costs if Judge Armstrong finds in Defendants' favor.

2 **IT IS SO ORDERED.**

3
4 Dated: February 23 2009


5 MARIA-ELENA JAMES
United States Magistrate Judge